



Janet Napolitano  
Governor

# ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007  
(602) 771-2300 • [www.azdeq.gov](http://www.azdeq.gov)



Stephen A. Owens  
Director

## Notice of Granting License Notice of Appealable Agency Action

April 14, 2005

AQD:PS:CTS:106383

Glenn McGinnis, Chief Executive Officer  
Arizona Clean Fuels Yuma, LLC  
4505 E. Chandler Blvd. Suite 145  
Chandler, AZ 85048

Re: Air Quality Control Permit Number 1001205  
Oil Refining Facility

Dear Mr. McGinnis:

The Arizona Department of Environmental Quality has received payment of the fee requested. Enclosed is a permit for the referenced facility. In accordance with Arizona Revised Statutes, §49-430, this permit should be readily available at all times on the premises.

The Arizona Department of Environmental Quality's review of this application was subject to the requirements of the licensing time frames ("LTF") statute under Arizona Revised Statutes ("A.R.S.") § 41-1072 through § 41-1079 and the LTF rules under Arizona Administrative Code ("A.A.C.") R18-1-501 through R18-1-525. This Notice is being issued within the overall time frame for your application.

ADEQ is hereby issuing Air Quality Permit Number 1001205 in accordance with A.R.S. §49-426. Your copy is enclosed. The permit is issued for a period of five years. Please keep us informed of any changes that would affect your air pollution status during the period of this permit. Also enclosed, please find a copy of the Technical Support Document, Responsiveness Summary, and your permit certificate.

Please be aware that since ADEQ is a delegated Prevention of Significant Deterioration (PSD) program for particulate matter emissions, pursuant to the Code of Federal Regulations, Title 40, Part 124, Subpart A (40 CFR 124.15), this final permit decision will become effective 30 days after this notification unless review is requested on the permit under 40 CFR 124.19, which states:

"...any person who filed comments on that draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision...Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision. The 30-day period within which a person may request review...begins with the service of notice..."

This decision is also an appealable agency action under A.R.S. §41-1092. You have a right to request a hearing and file an appeal under A.R.S. § 41-1092.03(B). You must file a written Request for Hearing or

Northern Regional Office  
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004  
(928) 779-0313

Southern Regional Office  
400 West Congress Street • Suite 433 • Tucson, AZ 85701  
(520) 628-6733

Mr. Glenn McGinnis

Page 2

Notice of Appeal within **30 days** of your receipt of this Notice. A Request for Hearing or Notice of Appeal is filed when it is received by ADEQ's Hearing Administrator as follows:

Judith Fought, Hearing Administrator  
Office of Administrative Counsel  
Arizona Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, AZ 85007

The Request for Hearing or Notice of Appeal shall identify the party, the party's address, the agency and the action being appealed and shall contain a concise statement of the reasons for the appeal. Upon proper filing of a Request for Hearing or Notice of Appeal, ADEQ will serve a Notice of Hearing on all parties to the appeal. If you file a timely Request for Hearing or Notice of Appeal you have a right to request an informal settlement conference with ADEQ under A.R.S. § 41-1092.06. This request must be made in writing no later than **20 days** before a scheduled hearing and must be filed with the Hearing Administrator at the above address.

Pursuant to A.A.C. R18-2-402(D)(4), please be aware that ADEQ must terminate this permit if Arizona Clean Fuels does not provide the Department with evidence that the proposed construction has commenced within 18 months of the effective date of this permit. Additionally, ADEQ must terminate this permit if construction activities are suspended for more than 18 months.

You are advised that a permit is a legally enforceable document. If your facility fails to comply with the provisions contained in its permit, you will be subject to enforcement action and could incur civil fines of up to ten thousand dollars per day under A.R.S. §49-463 and/or be subject to criminal penalties in accordance with A.R.S. §49-464.

Please contact Eric Massey at (602) 771-2321, or me at (602) 771-2308 if you have questions or concerns.

Sincerely,



Nancy C. Wrona, Director  
Air Quality Division

NCW:tb4

Enclosures

cc: Gerardo Rios, EPA Region IX